

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 18 JUL 2005

WIPO

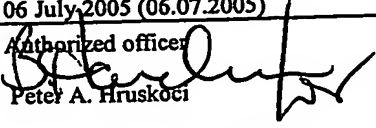
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Applicant's or agent's file reference <b>25364-10</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/US04/21880</b>	International filing date (day/month/year) <b>09 July 2004 (09.07.2004)</b>	Priority date (day/month/year) <b>12 July 2003 (12.07.2003)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): B01D 5/00 and US Cl.: 210/96.1</b>		
Applicant <b>WPSI, INC.</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ (sent to the applicant and to the International Bureau) a total of      sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))     , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

Date of submission of the demand <b>04 February 2005 (04.02.2005)</b>	Date of completion of this report <b>06 July 2005 (06.07.2005)</b>
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Peter A. Hruskoci Telephone No. 571-272-0987

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/21880

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
  - pages 1-20 as originally filed/furnished
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
  - pages 21-23 as originally filed/furnished
  - pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
  - pages 1-6 as originally filed/furnished
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**International application No.  
PCT/US04/21880**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)**

Claims 1-24 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the structure of the multi-phase separation system recited in the instant claims.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry to remove contaminants from fluids.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/US04/21880

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The description is objected to as containing the following defects under PCT Rule 66.2(a)(iii) in the form or contents thereof: In the description on page 10 lines 6 and 7 "204 partially shown in Fig. 2", in lines 23 and 24 "The construction...Fig. 3", and in line 30 "in a second set of tubes", on page 11 lines 11 and 12 "carrier air 218...coil arrangement 216", and on page 18 lines 6-8 "contaminated gas phase 206...coil arrangement 216" appear to be erroneous.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/US04/21880

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1-24 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims are indefinite for the following reason(s): In claims 1, 14, and 22 "low energy, high vacuum environment" is vague and indefinite because it is unclear how this term further limits the claims. In claim 7 "said carrier air exiting from said condenser module", and in claim 20 "second carbon stage polisher", and "said liquid discharge monitoring module" lack clear antecedent basis. Claim 13 should be separated from claim 12. Claim 13 is considered incomplete because it is essential to the instant system that the micron filtration bank module receive filtered contaminated fluid from said pre-filtering module and block or filter particles from said filtered contaminated fluid. In claim 24 "centrifugal" should be changed to - centrifugal -. Claims 2-6, 8-12, 15-19, 21, and 23 depend from the above claims.